

BROWNFIELD REDEVELOPMENT AUTHORITY
FINAL MEETING MINUTES

April 15, 2008

The meeting was called to order at 3:07 p.m. at Troy City Hall, Council Boardroom by Bruce Wilberding.

Members Present: Art Cotsonika
Victor Lenivov
Philip Sanzica
Robert Swartz
Lon Ullmann
Bruce Wilberding (Chairman)

Members Absent: Katherine Lee

Also Present: Brian Murphy, Assistant City Manager/Economic
Development Services
Susan Lancaster, Assistant City Attorney
Mark Miller, Planning Director
Patti Holland, Real Estate and Development Secretary

APPROVAL OF MINUTES

Resolution # BRA 08-04
Moved by: Wilberding
Seconded by: Lenivov

RESOLVED, that the BRA approve the minutes of April 17, 2007.

Yeas: All (6)
Absent: Lee

MOTION PASSED

Resolution # BRA-08-05
Moved by: Sanzica
Seconded by: Wilberding

RESOLVED, that the BRA approve the minutes of March 20, 2008.

Yeas: Cotsonika, Sanzica, Wilberding
Nays: Lenivov, Swartz, Ullmann
Absent: Lee

MOTION FAILED

Resolution # BRA 08-06
Moved by: Lenivov
Seconded by: Cotsonika

RESOLVED, that the BRA table the March 20, 2008 and March 31, 2008 minutes for approval at the July 15, 2008 regular meeting.

Yeas: All (6)
Absent: Lee

MOTION PASSED

OLD BUSINESS

A. Brownfield Plan #5 – Pavilions of Troy

Hunter Richardson presented an overview of Plan # 5 followed with discussion from the board regarding changes to the plan. Old Business will resume after changes are made to an exhibit.

PUBLIC COMMENT

Michele Hodges, Bill Cowger and Frank Howrylak addressed the board with comments regarding Brownfield Plan # 5 – Pavilions of Troy.

NEW BUSINESS

A. Proposed 2008/09 Budget

Resolution # BRA 08-07
Moved by: Sanzica
Seconded by: Ullmann

RESOLVED, that the Board approve the 2008/09 Brownfield Redevelopment Authority budget.

Yeas: All (6)
Absent: Lee

MOTION PASSED

B. Election of Officers

Resolution # BRA 08-08

Moved by: Lenivov

Seconded by: Ullmann

RESOLVED, that Bruce Wilberding is re-elected as Chair, Art Cotsonika as Vice Chair and Mark Miller as Secretary/Treasurer.

Yeas: All (6)

Absent: Lee

MOTION PASSED

BOARD MEMBER COMMENTS

Victor Lenivov asked that "Legislative Updates" be placed on all further agendas.

Art Cotsonika addressed the length of agendas and e-mailing vs. mailing.

Brian Murphy updated the board on the progress of the Brownfield website and that two members are resigning to move to the Planning Commission.

OLD BUSINESS (cont.)

A. Brownfield Plan #5 – Pavilions of Troy

Resolution # BRA 08-09

Moved by: Sanzica

Seconded by: Wilberding

WHEREAS, on March 20, 2008, the City of Troy Brownfield Redevelopment Authority (TBRA) was initially presented with the March 17, 2008 draft of proposed Brownfield Plan #5, Brownfield Plan for the Pavilions of Troy Redevelopment Project; and

WHEREAS, the TBRA had the opportunity to review the concepts of the TBRA Brownfield Plan #5, as well as to ask questions and obtain additional details about the Plan at the March 20, 2008 TBRA meeting, and the March 31, 2008 TBRA meeting, and the April 15, 2008 TBRA meeting; and

WHEREAS, the TBRA also had the opportunity to review a proposed Brownfield Reimbursement Agreement between the TBRA and the developer, Diamond Troy JV, LLC, a Delaware limited liability company; and

WHEREAS, the final authority for the approval of TBRA Brownfield Plan #5 rests with the Troy City Council, after public notice and a public hearing, and the public hearing has been noticed and scheduled for April 21, 2008.

NOW THEREFORE, BE IT RESOLVED that the TBRA recommends approval of the TBRA Brownfield Plan # 5, Brownfield Plan for the Pavilions of Troy Redevelopment Project, since the proposed plan is permitted under the recent amendments to PA 1996, No. 381 (MCL 125.2651 et. seq.), which allows for eligible activities, including the demolition of structures and lead and asbestos abatement, on eligible properties that are functionally obsolete; and

BE IT FURTHER RESOLVED, that the TBRA has reviewed the proposed Brownfield Plan #5, which provides the information that is statutorily required for Brownfield Plans, as set forth in Section 13 of the Act (MCL 125.2663), and recommends that the Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has reviewed proposed Brownfield Plan #5, which details a proposed method of financing the costs of eligible activities which is reasonable and in furtherance of the purposes of the Brownfield Redevelopment Act, PA 1996, No. 381, and recommends that the Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has reviewed the estimated costs of eligible activities, which are included in Brownfield Plan #5, and has determined that these costs are reasonable and in furtherance of the purposes of the Brownfield Redevelopment Act, PA 1996, No. 381, and recommends the Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has reviewed the estimated amount of captured taxable value that would result from the adoption or approval of TBRA Brownfield Plan #5, and has determined that the amounts are reasonable, and recommends that the Troy City Council to concur in this determination; and

BE IT FURTHER RESOLVED, that upon the approval of Brownfield Plan #5, the TBRA also recommends approval of a Brownfield Reimbursement Agreement that provides for reimbursement of the Developer's costs for eligible activities on eligible properties from the tax increment capture for the Property, in a total amount not to exceed \$8,440,000.00, plus actual interest expense, as long as the total amount of reimbursement does not exceed \$13,200,000.00, provided that the TBRA controlled millages (SMART and ISD) shall not exceed \$3,872,203.00, and shall not be captured for a period that exceeds 20 years; and

BE IT FINALLY RESOLVED, that the TBRA authorizes the TBRA Chair and Secretary/ Treasurer to sign such a Brownfield Reimbursement Agreement, which is

consistent with the terms of this Resolution and Approved Brownfield Plan #5, on behalf of the TBRA.

Yeas: Cotsonika, Lenivov, Sanzica, Wilberding
Nays: Swartz, Ullmann
Absent: Lee

MOTION PASSED

The meeting was adjourned at 7:16 p.m.

The next meeting scheduled is July 15, 2008.

Bruce Wilberding, Chairman

Mark Miller, Secretary/Treasurer

BRA Meeting Minutes
04-15-08